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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,889	01/29/2002	Ya-Tien Ko	95-475	2397

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LEON R TURKEVICH
2000 M STREET NW
7TH FLOOR
WASHINGTON, DC 200363307

EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,889

Applicant(s)

KO ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Objections

1. Claim 1 recites the limitation "data network" in line 6. There is insufficient antecedent basis for this limitation in the claim. Claims 25 and 38 have the same problem.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-5, 7-9, 11, 12, 14-18, 20-22, 24-29, 31-33, 35, 36, 38-42, 44-46, 48 and 49 are rejected under 35 U.S.C. § 102(e) as being anticipated by Brown, U.S. Patent No. 6,014,711 (hereinafter Brown).

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Regarding claim 1, Brown discloses a method in a recording device (32) at a calling party premises, the method comprising:

recording a message by a calling party based on speech signals supplied by a telephony device configured for initiating a voice-grade media connection to a messaging subscriber (40);

retrieving messaging subscriber attributes specifying a destination message store for the messaging subscriber (50); and

sending the recorded message, via the data network to the destination message store based on the messaging subscriber attributes (col. 5, lines 1-10).

Regarding claim 2, see 12 and 16 from Figure 1.

Regarding claim 3, see col. 4, line 9.

Regarding claims 4 and 5, see column 4.

Regarding claim 7, see column 4 and col. 5, lines 1-10.

Regarding claim 8, see col. 4, line 14.

Regarding claim 9, see column 4.

Regarding claim 11, see column 4 and col. 5, lines 1-10.

Regarding claim 12, see col. 4, line 14.

Claim 14 is rejected for the same reasons as claim 1.

Claim 15 is rejected for the same reasons as claim 2.

Regarding claim 16, see column 4 and col. 5, lines 1-10.

Claim 17 is rejected for the same reasons as claim 4.

Claim 18 is rejected for the same reasons as claim 5.

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Claim 20 is rejected for the same reasons as claim 7.
Claim 21 is rejected for the same reasons as claim 8.
Claim 22 is rejected for the same reasons as claim 9.
Claim 24 is rejected for the same reasons as claim 11.
Claim 25 is rejected for the same reasons as claim 14.
Claim 26 is rejected for the same reasons as claim 15.
Claim 27 is rejected for the same reasons as claim 3.
Claim 28 is rejected for the same reasons as claim 4.
Claim 29 is rejected for the same reasons as claim 5.
Claim 31 is rejected for the same reasons as claim 7.
Claim 32 is rejected for the same reasons as claim 8.
Claim 33 is rejected for the same reasons as claim 9.
Claim 35 is rejected for the same reasons as claim 11.
Claim 36 is rejected for the same reasons as claim 12.
Claim 38 is rejected for the same reasons as claim 25.
Claim 39 is rejected for the same reasons as claim 26.
Claim 40 is rejected for the same reasons as claim 3.
Claim 41 is rejected for the same reasons as claim 4.
Claim 42 is rejected for the same reasons as claim 5.
Claim 44 is rejected for the same reasons as claim 7.
Claim 45 is rejected for the same reasons as claim 8.
Claim 46 is rejected for the same reasons as claim 9.
Claim 48 is rejected for the same reasons as claim 11.

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Claim 49 is rejected for the same reasons as claim 12.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 13, 37 and 50 are rejected under 35 U.S.C § 103(a) as being unpatentable over Brown in view of Porter et al, U.S. Patent No. 6,282,269 (hereinafter Bowater).

Regarding claim 13, Brown does not disclose the limitation of, "receiving a media file via the data network for the messaging subscriber and playing the media file as an announcement to the calling party on behalf of the messaging subscriber". However Bowater discloses the claimed (see abstract). Therefore it would have been obvious to one of ordinary skill in the art to modify Brown with the receiving and playing steps taught by Bowater. This modification allows a

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subscriber to hear a greeting before storing a message as suggested by Bowater.

Claim 37 is rejected for the same reasons as claim 13.

Claim 50 is rejected for the same reasons as claim 13.

6. Claims 6, 10, 19, 23, 30, 34, 43 and 47 are rejected under 35 U.S.C § 103(a) as being unpatentable over Brown.

Regarding claim 6, Brown discloses the device is coupled to the telephony device (see telephone, 32). Brown does not disclose the limitation of, "selectively playing the recorded message based on calling party commands, for review by the calling part prior to the sending steps". "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brown with the claimed playing and review steps. This modification would allow a calling subscriber to edit a recorded voice message.

Claim 10 is rejected for the same reasons as claim 6.

Claim 19 is rejected for the same reasons as claim 6.

Claim 23 is rejected for the same reasons as claim 10.

Claim 30 is rejected for the same reasons as claim 6.

Claim 34 is rejected for the same reasons as claim 10.

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Claim 43 is rejected for the same reasons as claim 6.

Claim 47 is rejected for the same reasons as claim 10.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
April 15, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

